

Message Text

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ACTION CPR-01

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FM AMEMBASSY GUATEMALA

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UNCLAS GUATEMALA 1965

EO 11652: N/A

TAGS: MARR GT US

SUBJECT: LEGAL STATUS OF ENGINEER BATTALION

1. FOLLOWING IS EMBASSY'S UNOFFICIAL TRANSLATION OF LETTER
(NUMBER 05144) DATED 5 MARCH 1976, RECEIVED MARCH 8, FROM FOREIGN
MINISTER ADOLFO MOLINA ORANTES TO THE AMBASSADOR.

2. QUOTE: I HAVE THE HONOR TO REFER TO YOUR EXCELLENCY'S NOTE OF
27 FEBRUARY OF THIS YEAR, IN WHICH YOU CONFIRM TO ME THE ARRIVAL
IN GUATEMALA OF A UNIT OF THE ARMY OF THE UNITED STATES OF AMERICA
WHICH COMES TO COLLABORATE WITH MY GOVERNMENT IN ITS EFFORTS TO
REOPEN THE HIGHWAY BETWEEN THE CITY OF GUATEMALA AND PUERTO
BARRIOS.

3. AT THE SAME TIME, YOUR EXCELLENCY INFORMS ME OF YOUR DESIRE
THAT THE GOVERNMENT OF THE REPUBLIC OF GUATEMALA AGREE THAT THE
ABOVE-MENTIONED PERSONNEL OF THE ARMY OF THE UNITED STATES
BE SUBJECT DURING THEIR STAY, TO THE SAME CONDITIONS AS THOSE
SPECIFIED FOR THE PERSONNEL OF THE (UNITED STATES) MILITARY MISSION
IN GUATEMALA, IN ACCORDANCE WITH THE EXCHANGE OF NOTES OF 29
APRIL AND 4 MAY 1965. BY MEANS OF THOSE NOTES THE PERSONNEL OF
THE UNITED STATES MILITARY MISSION WERE CONSIDERED TO BE COMPREHENDED
WITHIN THE TERMS OF ARTICLE V OF THE MILITARY ASSISTANCE AGREEMENT,
SIGNED BY OUR TWO GOVERNMENTS ON 18 JUNE 1955.

4. I AM PLEASED TO REPLY TO YOUR EXCELLENCY IN THE SENSE THAT MY
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GOVERNMENT WILL CONSIDER THE PERSONNEL OF THE UNIT OF THE ARMY OF

THE UNITED STATES WHICH COMES TO GUATEMALA TO COLLABORATE IN THE REOPENING OF THE ATLANTIC HIGHWAY AS COMPREHENDED WITHIN SECTION 1 OF ARTICLE V OF THE MILITARY ASSISTANCE AGREEMENT, SIGNED IN GUATEMALA ON 18 JUNE 1955, THAT THEY WILL FUNCTION AS PART OF THE EMBASSY AND UNDER THE DIRECTION AND JURISDICTION OF YOUR EXCELLENCY AND THAT THEY WILL ENJOY THE PRIVILEGES AND IMMUNITIES WHICH INTERNATIONAL CUSTOM PROVIDES TO PERSONNEL OF CORRESPONDING OR EQUIVALENT RANK IN DIPLOMATIC MISSIONS. IN THIS REGARD, WHEN YOUR EXCELLENCY SHOULD CONSIDER IT OPPORTUNE, AGREEMENTS FOR THE CLASSIFICATION OF PERSONNEL WITHIN THE TERMS ESTABLISHED BY SECTION 2 OF THE ABOVE-MENTIONED ARTICLE V COULD BE NEGOTIATED.

5. WITH THE REITERATED APPRECIATION OF MY GOVERNMENT FOR THE ASSISTANCE RECEIVED AND WHICH YOUR EXCELLENCY'S GOVERNEMENT CONTINUES TO SEND ACCEPT THE ASSURANCES OF MY HIGHEST CONSIDERATION AND
ESTEEM. (SIGNED) ADOLFO MOLINA. UNQUOTE.

6. COMMENT: OUR UNDERSTANDING OF THE REFERENCE IN PARA 4 TO NEGOTIATION OF A PERSONNEL CLASSIFICATION AGREEMENT IS THAT FOREIGN MINISTRY WOULD LIKE TO HAVE AN AGREEMENT SPECIFYING THE EQUIVALENT DIPLOMATIC LIST RANKING OF MEMBERS OF OUR MILITARY MISSION

(ARTICLE V SAYS THE MILGP PERSONNEL WILL HAVE PRIVILEGES AND IMMUNITIES OF "EMBASSY PERSONNEL OF CORRESPONDING RANK" BUT DOES NOT MAKE CLEAR WHAT CORRESPONDING RANKS ARE.) IN CASE OF ENGINEER BATTALION, WHICH WILL BE IN GUATEMALA ONLY UNTIL MID OR LATE APRIL, NO SUCH AGREEMENT APPEARS NECESSARY. POST PLANS NO IMMEDIATE FOLLOW-UP TO THE FOREIGN MINISTER'S SUGGESTION. END COMMENT.

7. CERTIFIED COPIES OF BOTH LETTERS WILL BE POUCHED.
MELOY

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